

majority of the resident property taxpayers, qualified voters of such political subdivision, or any defined district now or hereafter to be described and defined, thereof, voting thereon to issue bonds of said county, to an amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, or any defined district now or hereafter to be described and defined, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof, and prescribing ways and means of conducting and supervising said work; providing for appointment of a board of commissioners, and their duties; providing for the redemption of road bonds now outstanding against Road District No. 1, and specially exempting said county from the provisions of Article 637d of Chapter 203 of the Acts of the Thirty-fifth Legislature at its regular 1917 session, and declaring an emergency."

Have had said bill under consideration, and I am instructed by the committee to report said bill favorably to the Senate, with the recommendation that it do pass.

WOODS, Chairman.

Committee Room,
Austin, Texas, Feb. 8, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 229, A bill to be entitled "An Act to provide for the better enforcement of the traffic laws of this State, regulating the use of the public highways by motor vehicles; giving the commissioners' court in each county the right to employ one or more deputies to work under the Sheriff in the special enforcement of said law; to define the duties of said officers, to regulate their compensation and to provide that the expenses of said officers shall be paid out of the county's share of the registration fees received from the Highway Department; regulating the disposition of fines collected in the prosecutions contemplated by this Act; and declaring an emergency."

Have had said bill under consideration, and I am instructed by the committee to report said bill favorably, with the recommendation that it do pass.

WOODS, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,

Tuesday, February 11, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Floyd.
Bailey.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dudley.	Williford.
Faust.	Woods.

Absent.

Bell.

Absent—Excused.

Dorough.
Hall.
Page.

Smith.
Witt.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Dorough was excused for today on account of important business on motion of Senator Floyd.

Senator Page for today and tomorrow on motion of Senator Gibson.

Senator Hall for today and until Friday on motion of Senator Bailey.

Senator Smith for today and indefinitely on motion of Senator Hopkins.

Petitions and Memorials.

See appendix.

Standing Committee Reports.

See appendix.

Bills and Resolutions.

By Senator Williford:

S. B. No. 253, A bill to be entitled "An Act to amend Section 1 of Chapter 59 of the Acts of the Regular Session of the Thirty-third Legislature, relating to the manner of submitting instructions to juries in civil cases, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Hopkins:

S. B. No. 254, A bill to be entitled "An Act to amend Article 7491 of the Revised Civil Statutes of the State of Texas, of 1911, as amended by Chapter 166 of the Acts of the Regular Session of the 35th Legislature, so as to provide for the collection of inheritance taxes, fixing compensation therefor, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hopkins:

S. B. No. 255, A bill to be entitled "An Act to amend Section 2, Chapter 8 of the General Laws of the First Called Session of the Thirty-fourth Legislature entitled 'An Act to create a State Council of Defense, so as to extend the period of its existence for six months after a final treaty of peace has been signed and published, and declaring an emergency.'"

Read first time, and referred to Committee on Federal Relations.

By Senator Hopkins:

S. B. No. 256, A bill to be entitled "An Act to prohibit commissioners' courts from issuing warrants, negotiable or non-negotiable, interest bearing or non-interest bearing, or from otherwise contracting debts against the courthouse and jail fund, or the road and bridge fund, of their respective counties, in excess of the estimated receipts in the year for which such warrants or evidences of indebtedness are issued, and declaring all contracts undertaking to create any indebtedness against any such fund in excess of

the estimated receipts to accrue for that year to such fund to be illegal and void; making county commissioners and county judges violating this act liable for the payment of any such indebtedness and for any amount illegally paid on such indebtedness and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Carlock, Cousins and Dudley:

S. B. No. 257, A bill to be entitled "An Act to amend Article 6504, Title 115, Chapter 8, Revised Civil Statutes of Texas, 1911, so as to provide that if any railroad corporation be unable to agree with the owner for the purchase of any real estate, or the material thereon, required for the purpose of its incorporation or the transaction of its business, for its depots, station buildings, machine and repair shops, for the construction of reservoirs for the water supply, or for the right-of-way, or for a new right-of-way, for change or relocation of road bed to shorten the line, or any part thereof, or to reduce its grades, or any of them, which is hereby authorized and permitted, or for any lawful purpose connected with or necessary to the building, double-tracking, or for additional tracks, operating or running its road, such corporation may acquire such property in the manner provided by law; provided that the limitation in width prescribed in Article 6484 Revised Statutes, 1911, shall not apply to real estate, or any interest therein, required for the purpose herein mentioned, other than right-of-way, and shall not apply to right-of-way when necessary for double tracking or adding additional railroad tracks, and that real estate, or any interest therein to be acquired for such other purposes, or any of them, need not adjoin or abut on the right-of-way; provided, further, that no change of the line through any city or town, or which may result in the abandonment of any station or depot, shall be made, except upon written order of the Railroad Commission of Texas, authorizing such change; and provided, further, that no railroad corporation shall have the right under this Act to condemn any land for the purposes mentioned in this Article situated more than two miles

from the right-of-way of such railroad corporation; and provided that nothing in this Act shall be construed to repeal or limit the provisions of Section 1, Chapter 63, of an Act passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 13, 1918, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senators Bailey, Buchanan of Scurry and Parr:

S. B. No. 258, A bill to be entitled "An Act to validate the sales of Public Free School land on condition of settlement, in cases where purchaser settled on the land but failed to get his affidavit in the land office within the time required by law, and in cases where the purchaser was forced to leave the land on account of the drouth, and in cases where the purchaser was drafted into the services of the United States, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Bailey:

S. B. No. 259, A bill to be entitled "An Act to amend Section 2 of Chapter 147 of the regular session of the Thirty-fourth Legislature, being an Act making it the duty of tax collectors to prepare and mail notices and statements of delinquent taxes to the owners of the real estate; prescribing the time in which such notices or statements shall be mailed and the manner in which they shall be prepared; providing for perfecting of the delinquent tax records for the various counties, and making it a duty of the tax collector to prepare such records in certain instances together with supplements thereto; making it a duty of the county and district attorneys to file and institute suits for the collection of delinquent taxes; providing for the issuance of redemption receipts and other statements by tax collectors and for the approval of tax receipts by the commissioners court and the comptroller of public accounts, providing reasonable compensation for the additional duties prescribed in this Act for county officers; making the provisions of this Act mandatory; provided that the tax collector, when making up said delinquent roll or supplement,

shall not include therein a list of any piece of property on which there is then due, a sum less than five dollars, unless directed to do so by order of the commissioner's court duly entered of record."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Dayton:

S. B. No. 260, A bill to be entitled "An Act to validate all sales of Public Free School land and made by the State of Texas, by authority of the Acts of the Legislature of the State of Texas of date April 12th and 14th, 1883, wherein the State did not by its award of sale, or classification of such lands, specifically reserve the minerals in such lands, be and the same are hereby validated, and the State of Texas, hereby relinquishes unto the owners of said lands, all of its right, and title to said lands, and minerals, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Caldwell:

S. B. No. 261, A bill to be entitled "An Act providing for the compensation of the Clerks of the Courts of Civil Appeals of Texas; authorizing the employment of a deputy Clerk, and providing for the disposition of all costs collected by said Clerks, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Concurrent Resolution No. 18.

Whereas, it appears from reliable information that only twenty-eight million of dollars will be available for the support of the State Government for the next two years; and,

Whereas, about double that amount is being asked for by the various departments of Government and State Institutions, including the increase of the salaries of practically all of the employes, and the erection of many new buildings; and,

Whereas, it would be a bad business policy, and very unjust to the people of Texas to pass the large appropriation bill being asked for at this time, in view of the great burdens resting upon the people caused by the great World War;

Therefore be it resolved, That the

Senate of the State of Texas, the House of Representatives concurring, go on record as being opposed to an increase in the appropriation bill enacted by the last Legislature, unless it can be shown that a great injustice would be done an individual, or that the State's interest would suffer without it; and,

Be it further resolved, That we favor the appropriation of every cent that is absolutely necessary for support of our State Government economically administered, but not one cent for waste and extravagance; and,

We further respectfully recommend and urge that the Senate and the House of Representatives give most serious consideration to the recommendations of the Co-operating Investigating Committees of the two Houses, in their reports to the 35th Legislature, to the end that the economies therein suggested be made practical in every branch of the public service.

Westbrook, McNealus, Alderdice, Smith, Floyd.

The resolution was read and adopted.

Senate Concurrent Resolution No. 19.

By Senator Alderdice:

Whereas, the Federal Government by the Smith-Hughes Act appropriated for vocational education in the State of Texas, for the Session of 1917-1918, the total sum of \$62,325.-20, of which this State was able to use only \$20,307.29, less than one-third of the total appropriation, and,

Whereas, One cause of this inability of the State to expend the sum appropriated for the benefit of the State was certain regulations of the Federal Board for vocational Education, which provided conditions not contained in the Smith-Hughes law, therefore be it resolved:

(1) That the Legislature of the State of Texas hereby requests of the Federal board permission to make state plans for the use of these funds for the next two years with provisions requiring no further conditions than those demanded by the Smith-Hughes law, and,

(2) That the State Superintendent of Public Instruction is hereby directed to bring this matter before the

Federal Board for Vocational Education at the Annual Convention of the National Association of Teachers of Vocational Education, on February 19, and that she urge respectfully the importance of compliance with this reasonable request.

Read first time and referred to Committee on Educational Affairs.

Senate Bill No. 39—House Amendments Concurred In.

Senator Williford called up for consideration of the House amendments to

S. B. No. 39. A bill to be entitled "An Act to amend Article 918 of the Code of Criminal Procedure of 1911, relating to the giving of recognizances on appeal by providing that in case the defendant shall fail to enter into recognizance during the term of court at which he was tried he may be permitted to give bail and obtain his release from custody by giving, after the expiration of such term of court, his bail to the Sheriff in an amount fixed by the court, and declaring an emergency."

The Chair laid before the Senate the following House amendments, which were read and concurred in by vote of the Senate, viz:

(1) Amend S. B. No. 39, page 1, line 33, by adding after the word "recognizance" the following, "or bail bond."

(2) Amend S. B. No. 39 by adding after the word "recognizance," in line 31, page 1, the following words, "or bail bond."

(3) Amend S. B. No. 39, caption, by adding the words "or before adjournment" just after the word "court," in line 24.

Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 10, A bill to be entitled "An Act to provide for creating a Firemen, Policemen and Fire Alarm Operator's Pension Fund in all incorporated cities and towns in the State having a paid fire, police and fire alarm operator's department;

creating a board of trustees for the same; defining the duties and powers of the trustees thereof; describing the persons entitled to receive pensions; providing for a deduction from the salaries of all firemen, policemen and fire alarm operators who desire to participate in said funds when entitled thereto under the terms of this Act, for the purpose of creating said fund, and for other sources of revenue therefor; defining the duties of the treasurer of any such city or town in respect to said funds, and providing the methods of disbursement of said funds, and providing that such pension fund shall be exempt from judgment and garnishment."

H. B. No. 185, A bill to be entitled "An Act creating the Waskom Independent School District in the county of Harrison, State of Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district for the assessment and collection of taxes, and for the appointment and election by the said board of trustees of a treasurer; granting the power unto said board of trustees to issue coupon bonds and providing for a sinking fund therefor; granting power unto said board of trustees to purchase school sites and erecting, furnishing, equipping and maintaining schools and school buildings within said district, and providing for an emergency."

H. B. No. 282, A bill to be entitled "An Act to amend Section 3, Chapter 60, Special Laws of the Thirty-third Legislature, as set out on pages 190 to 200 of the Local and Special Laws enacted during the Regular Session thereof, entitled 'Hunt County Road Law,' by re-enacting Section 3 thereof so as to provide that in all political subdivisions or defined districts of said county, wherein there are less than one hundred (100) property taxpaying qualified voters residing, a majority of such voters, by their petition in writing, duly subscribed and verified by the oath of at least two of the subscribers thereto, showing that it contains the names of a majority of the property taxpaying voters of such subdivision or district, presented to the commissioners' court of said county, shall be sufficient to authorize the ordering and holding of an election to determine whether or not the bonds of such political subdivision or defined district shall be issued as

in said section and chapter provided, and declaring an emergency."

H. C. R. No. 25, making provision for memorial services in commemoration of the late Theodore Roosevelt.

Simple Resolution No. 56.

Whereas, Ex-Senator Real is now present in Austin, therefore be it

Resolved, by the Senate, that he be accorded the privilege of the floor for the day and be invited to address the Senate.

DAYTON,
McNEALUS,
GIBSON,
HERTZBERG.

The resolution was read and adopted and the Chair named a special committee to escort Senator Real to the President's stand, where he addressed the Senate.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted

S. C. R. No. 17, directing the Superintendent of Buildings and Grounds to remove the advertising bill board on the Capitol grounds; and

H. C. R. No. 27, endorsing the pending amendment to the Act of Congress of 1916, providing Federal aid in the construction of post roads in the States of the Union.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 278, A bill to be entitled "An Act to provide for the recording of official discharges of soldiers, sailors and other persons in the service of the United States in the war with Germany and Austria-Hungary; authoriz-

ing the commissioners court to expend county funds to provide necessary books for said purpose; making it the duty of the county clerk of each county to make such record; directing the payment to the county clerk out of county funds of a fee for said services, and declaring an emergency."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant-Governor Johnson, had referred, after their caption had been read, the following House bill:

H. B. No. 278, referred to the Committee on Military Affairs.

H. C. R. No. 27, referred to the Committee on Federal Relations.

Morning call concluded.

Senate Bill No. 109.

The Chair laid before the Senate on second reading and as pending business:

S. B. No. 109, A bill to be entitled "An Act to recover to the public free school fund the excess in surveys made for individuals, railroad companies and the State or the school fund, by virtue of certificates issued for the construction of railroads and other works of internal improvements; and certificates issued to individuals which require the location of a like amount of land for the State or school fund; and the surveys sold under the Fifty-cent Acts of July 14, 1879, Chapter 52, and March 11, 1881, Chapter 33, providing for ascertaining such excess, its sale, the adjustment of land lines the protection of public and private improvements in relation to the adjustment of such excess acreages by amending Articles 5396 and 5397, Revised Civil Statutes of 1911, and adding thereto two new articles as 5397a and 5397b and repealing Articles 5399 and 5400, Revised Civil Statutes of 1911, and declaring an emergency."

The question being upon the amendment offered by Senator Dayton to the pending amendment of Senator Dean. The amendment to the amendment being as follows:

Add to the amendment the following:

"Provided the person owning the principal section or lands in main survey may have first right within 90 days after passage of this Act to obtain oil, mineral and gas rights on the excess surveys, from the State as provided by law."

On motion of Senator Buchanan of Scurry the amendment to the amendment was tabled.

Action recurred upon the following amendment:

(1) Amend S. B. No. 109 by adding at the end of Section 4 a new section, to be known as Section 4a, to read as follows:

Section 4a. But in no sales or conveyances under this Act shall the oil, gas or other minerals be conveyed, but the oil, gas or other minerals under such lands shall be disposed of only as otherwise provided by law or as may hereafter be provided by law.

Senator Buchanan of Scurry moved to table the amendment, and this motion was lost by the following vote:

Yeas—6.

Buchanan of Scurry.	Dudley.
Carlock.	Faust.
Dayton.	Woods.

Nays—16.

Alderdice.	Gibson.
Bailey.	Hertzberg.
Buchanan of Bell.	Johnston.
Caldwell.	McNealus.
Clark.	Parr.
Cousins.	Strickland.
Dean.	Suiter.
Floyd.	Westbrook.

Absent.

Bell.	Williford.
Hopkins.	Witt.

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

The amendment was read and adopted.

Senator Caldwell offered the following amendment, which was read and adopted:

(2) Amend S. B. No. 109, page 2, lines 14 and 15, also page 3, line 12, of printed bill, by striking out words "and at the expense of the owner of the land."

Senator Caldwell offered the following amendment:

(3) Amend S. B. No. 109, page 4

of printed bill, by striking out Section 6.

Senator Buchanan of Scurry moved to table the amendment, and this motion prevailed by the following vote:

Yeas—14.

Alderdice.	Dudley.
Buchanan of Bell.	Faust.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Clark.	McNealus.
Dayton.	Suiter.
Dean.	Witt.

Nays—7.

Bailey.	Gibson.
Caldwell.	Parr.
Cousins.	Woods.
Floyd.	

Present—Not Voting.

Johnston.

Absent.

Bell.	Westbrook.
Strickland.	Williford.

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

The bill was read second time and ordered engrossed by the following vote:

Yeas—14.

Alderdice.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Johnston.
Clark.	McNealus.
Dean.	Parr.
Dudley.	Suiter.
Floyd.	Woods.

Nays—5.

Bailey.	Cousins.
Caldwell.	Faust.
Carlock.	

Absent.

Bell.	Westbrook.
Dayton.	Williford.
Strickland.	Witt.

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

Pair Recorded.

Senator Hopkins (present), who would vote aye; Senator Hall (absent), who would vote no.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 109 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Suiter.
Dean.	Woods.
Dudley.	

Absent.

Bell.	Williford.
Strickland.	Witt.
Westbrook.	

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed finally.

Senate Bill No. 9.

The Chair laid before the Senate on second reading:

S. B. No. 9, A bill to be entitled "An Act to validate sales of lands belonging to public free schools and asylum funds of the State, which were made under the provisions of Section 3 of Chapter 150 of the Acts of the regular session of the Thirty-fourth Legislature, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 9 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Suiter.
Dayton.	Westbrook.
Dean.	Woods.
Dudley.	

Absent.

Bell.	Strickland.
Parr.	Williford.

Absent—Excused.

Dorough.	Smith.
Hall.	Witt.
Page.	

The bill was laid before the Senate, read third time and, on motion of Senator Dudley, was passed finally.

Recess.

At 12:07 o'clock p. m. the Senate, on motion of Senator McNealus, recessed until 2 o'clock p. m. today.

After Recess.**(Afternoon Session.)**

The Senate was called to order by Lieutenant Governor Johnson.

House Joint Resolution No. 19.

The Chair laid before the Senate on second reading:

H. J. R. No. 19, being a resolution "To amend Section 50, Article 3 of the Constitution of the State of Texas to provide that the Legislature shall have power to give or lend or authorize the giving or lending of the credit of the State for the purpose of assisting citizens who are heads of families to acquire or improve their homes; authorizing the State to acquire, improve, sell or lease real estate or assist such citizens to acquire or improve their homes upon terms and conditions prescribed by the Legislature; authorizing the Legislature to

create such agencies and corporations as may be necessary to carry out the purposes of this Section; providing that obligations created under this Section shall never be taxed and providing that the Legislature shall have authority to provide a method of securing any deferred payments for lands purchased hereunder, and that such obligations shall be secured in addition to the usual liens by an annual assessment collected against the land; and providing that the Legislature shall have no power to relieve any person from any obligation entered into under this provision or any statute enacted thereunder."

The Committee report that the bill be not printed was adopted.

Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following:

S. C. R. No. 17, Requiring the Superintendent of Public Buildings and Grounds to remove bill board from the South entrance of the Capitol grounds.

S. C. R. No. 16, to correct an error in the engrossment of S. B. No. 14.

S. B. No. 39, A bill to be entitled "An Act to amend Article 918, of the Code of Criminal Procedure of 1911, relating to the giving of recognizances on appeal by providing that in case the defendant shall fail to enter into recognizance during the term of court at which he was tried he may be permitted to give bail and obtain his release from custody by giving, after the expiration of such term of court, his bail to the Sheriff in an amount fixed by the court, and declaring an emergency."

Committee Addition.

Senator Clark moved that Senator Westbrook be added to the Committee on Agricultural Affairs to fill the vacancy caused by the resignation of Senator Woodward.

The motion prevailed and the addition was made.

Senate Bill No. 55.

The Chair laid before the Senate on second reading:

S. B. No. 55, A bill to be entitled "An Act to provide that all persons leasing or renting lands or tenements, at will or for a term, shall have a preference lien upon the property of the tenant hereinafter indicated, upon such premises for any rent that may become due and for all money, and the value of all animals, tools, provisions and supplies furnished by the landlord to the tenant to enable the tenant to make a crop on such premises; and to gather secure, house and put the same in condition for market, the money, animals, tools, provisions and supplies so furnished being necessary for that purpose, whether the same is to be paid in money, agricultural products or other property; and providing that such lien shall apply to animals, tools and other property furnished by the landlord to the tenant and to the crop raised on such rented premises; provided further, that it shall not be lawful for the tenant, while the rent and such advances remain unpaid, to removed or permit to be moved from the premises so leased or rented any of the agricultural products produced thereon, or any of the animals, tools or property furnished as aforesaid without the consent of the landlord; repealing Chapter 38, Acts of the Regular Session of the Thirty-fourth Legislature, 1915, and declaring an emergency."

Senator Bailey offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 55 by adding after Section 3, the following:

Section 4. Nothing in this Act shall be construed as repealing any of the provisions of Chapter 1, of Title 80, of the Revised Civil Statutes of the State of Texas of 1911, relating to Landlords and Tenants, but this Act shall be cumulative of all of the provisions of said Chapter and Title, and by numbering Section 4 of the bill, Section 5, and amend the caption of the bill by inserting after the figures 1915, line 25, page 1, of the printed bill the words, "providing that this Act shall be cumulative of all the provisions of Chapter 1 of Title 80 of the Revised Civil Statutes

of Texas of 1911 relating to Landlords and Tenants."

Senator Dudley moved the previous question on the engrossment of the bill, which being duly seconded was ordered.

The bill was read second time and was ordered engrossed by the following vote:

Yeas—12.

Bailey.	Faust.
Caldwell.	Gibson.
Clark.	Johnston.
Dayton.	McNealus.
Dean.	Parr.
Dudley.	Strickland.

Nays—9.

Alderdice.	Suiter.
Buchanan of Scurry.	Westbrook.
Cousins.	Williford.
Floyd.	Woods.
Hertzberg.	

Absent.

Bell.	Carlock.
Buchanan of Bell.	Witt.

Absent—Excused.

Dorough.	Smith.
Page.	

Pair Recorded.

Senator Hopkins (present), who would vote no; Senter Hall (absent), who would vote yes.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 55 put on its third reading and final passage by the following vote:

Yeas—18.

Alderdice.	Faust.
Bailey.	Gibson.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Clark.	Johnston.
Cousins.	McNealus.
Dayton.	Parr.
Dean.	Strickland.
Dudley.	Williford.

Nays—4.

Floyd.	Westbrook.
Suiter.	Woods.

Absent.

Bell. Carlock.
Buchanan of Bell. Witt.

Absent—Excused.

Dorough. Page.
Hall. Smith.

The bill was laid before the Senate read third time, on motion of Senator Bailey, was passed finally.

Senate Bill No. 107.

The Chair laid before the Senate on second reading:

S. B. No. 107, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 5, Chapter 7, of the General Laws of Texas as passed by the Thirty-third Legislature at its regular session and approved February 11, 1913, as the same appears on page 8 of the General Laws of the Thirty-third Legislature at its regular session, the same being commonly called the 'Suspended Sentence Law,' and declaring an emergency."

On motion of Senator Dean the bill was laid on the table subject to call.

Senate Bill No. 32.

Senator Dean called up from the table and the Chair laid before the Senate on second reading:

S. B. No. 32, A Bill to be entitled "An Act increasing the salaries of the judges of the Supreme Court and of the Court of Criminal Appeals, and judges of the Courts of Civil Appeals and District Courts of this State, and declaring an emergency."

Senator Dean offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 32, line 13 by inserting after the words "Supreme Court" a comma and the following words, "Judges of the Commission of Appeals".

Senator Dayton offered the following amendment which was read and lost.

Amend Senate Bill No. 32, page 1, Section 1, lines 14 and 15, strike out words "seventy-five hundred dollars" and insert in lieu thereof "sixty-five hundred dollars".

Senator Strickland offered the following amendment:

Amend Senate Bill 32, page 1, Section 1, line 20, by adding the word, "provided that no member of any of the Appellate Courts or of the Supreme Court shall receive any of the benefits of this Act unless he shall have written on an average of one opinion per week excluding vacation.

On motion of Senator Clark the amendment was tabled by the following vote:

Yeas—15.

Alderdice.	Dudley.
Buchanan of Bell.	Faust.
Buchanan of Scurry.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Johnston.
Clark.	Parr.
Cousins.	Woods.
Dean.	

Nays—3.

Floyd.	Westbrook.
Strickland.	

Present—Not Voting.

Bailey.	McNealus.
Dayton.	

Absent.

Bell.	Witt.
Williford.	

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

Pairs Recorded.

Senator Hopkins (present), who would vote no; Senator Williford (absent), who would vote yes.

Senator Suiter (present), who would vote no; Senator Hall (absent) who would vote yes.

Senator Gibson offered the following amendment:

Amend Senate Bill No. 32 by striking out the words "Seventy-five Hundred Dollars" and inserting in lieu thereof "Six Thousand Dollars" and by striking out the words "Six Thousand Dollars" in line 17 and inserting in lieu thereof the words "Five Thousand Dollars".

On motion of Senator Dean the amendment was tabled.

The bill was read second time and passed to engrossment by the following vote:

Yeas—14.

Alderdice.	Dean.
Bailey.	Dudley.
Buchanan of Scurry.	Faust.
Caldwell.	Gibson.
Carlock.	Hertzberg.
Clark.	Johnston.
Cousins.	Parr.

Nays—4.

Buchanan of Bell.	Strickland.
Floyd.	Woods.

Present—Not Voting.

Dayton.	McNealus.
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Absent.

Bell.

Absent—Excused.

Dorough.	Smith.
Page.	

Pairs Recorded.

Senator Suiter (present), who would vote no; Senator Hall (absent), who would vote, aye.

Senator Hopkins (present), who would vote no; Senator Williford (absent), who would vote aye.

Senator Westbrook (present), who would vote no; Senator Witt (absent), who would vote, aye.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 32 put on its third reading and final passage by the following vote:

Yeas—18.

Alderdice.	Dudley.
Bailey.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	Parr.
Dean.	Strickland.

Nays—3.

Suiter.	Woods.
Westbrook.	

Present—Not Voting.

Dayton.

Absent.

Bell.	Williford.
McNealus.	Witt.

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed finally.

Senate Bill No. 63.

The Chair laid before the Senate on second reading:

S. B. No. 63, A bill to be entitled "An Act to amend Title 7, Chapter 4, Code of Criminal Procedure, by adding thereto Article 541a relating to the manner of enforcing the attendance of witnesses where money, property or other things of value has been obtained under false pretenses or by uttering or delivering any check, draft or order in payment of any obligation with the intention to defraud; to prescribe manner in which such witnesses may be required to attend any trial; to provide for their pay, and to declare an emergency."

On motion of Senator Clark the bill was laid on the table subject to call.

Senate Bill No. 33.

Senator Dean called up and the Chair laid before the Senate on second reading:

S. B. No. 33, Being a bill to be entitled "An Act to amend Article 1521 of the Revised Civil Statutes of Texas, defining the jurisdiction of the Supreme Court as amended by the Acts of 1913, page 107, further limiting the jurisdiction of the Supreme Court, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 33 put on its third reading and final passage by the following vote:

Yeas—20.

Alderdice.	Faust.
Bailey.	Floyd.
Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Clark.	Johnston.
Cousins.	Parr.
Dayton.	Strickland.
Dean.	Suiter.
Dudley.	Westbrook.

Present—Not Voting.

McNealus.

Absent.

Bell.	Witt.
Caldwell.	Woods.
Williford.	

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed finally.

Senate Bill No. 62.

The Chair laid before the Senate on second reading:

S. B. No. 62, A bill to be entitled "An Act to amend Article 1428 and to repeal Article 1429, Title 17, Chapter 18, of the Penal Code of Texas, relating to obtaining board and lodging under false pretenses or obtaining any property or thing of value or the making, uttering or delivery of any check, draft or order in payment of any obligation to defraud; to fix the punishment; to prescribe a rule of evidence or prosecution; to make the law cumulative, and to declare an emergency."

On motion of Senator McNealus the bill was laid on the table subject to call.

Senate Bill No. 95.

The Chair laid before the Senate on second reading:

S. B. No. 95, A bill to be entitled "An Act to punish the making or use of materially false statements in writing respecting financial condition, for the purpose of obtaining money, property or credit, when such money, property or credit amount to more

than fifty dollars; whether such statements are made directly or indirectly; making such offense a felony, and prescribing the punishment therefor."

The bill was read second time and on motion of Senator McNealus, the same was passed to engrossment.

Senate Joint Resolution No. 13.

The Chair laid before the Senate on second reading:

S. J. R. No. 13, A resolution proposing to amend Section 5 of Article IV of the Constitution of the State of Texas, as follows: Strike out the words "four thousand" in the third line of Section 5 and insert in lieu thereof the words "ten thousand," and adding after the word furniture the words "and this clause shall be self-enacting," and making an appropriation to pay the necessary expenses hereof.

The committee report that the resolution be printed in the Journal only and carrying the following committee amendment, was adopted:

Amend S. J. R. No. 13 by making date of election the general election to be held first Tuesday after the first Monday in November, 1920.

The resolution was read second time and on motion of Senator Hertzberg the same was passed to engrossment.

Senate Bill No. 10.

The Chair laid before the Senate on second reading:

S. B. No. 10, A bill to be entitled "An Act to amend Article 7805 of Chapter 1 of Title 130, of the Revised Civil Statutes of Texas of 1911, as amended by the Act of the regular session of the Thirty-fifth Legislature of the State of Texas, approved February 23, 1917 (pages 63 and 64, Session Acts, Regular Session Thirty-fifth Legislature of Texas), so as to define the terms on which certain foreign corporations, whose permits to do business in Texas have been forfeited, may be re-admitted to do business in Texas, and declaring an emergency."

On motion of Senator Dudley, the bill was laid on the table subject to call.

Senate Bill No. 149.

By unanimous consent and on request of Senator Dudley, the Chair laid before the Senate on second reading:

S. B. No. 149, A bill to be entitled "An Act authorizing counties, acting through their commissioners' courts, to purchase seed to be planted on farms in such counties by residents thereof who are poor and unable to procure same, and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations by which such seed and feed will be furnished said residents of the counties who are poor and unable to procure the same; authorizing counties to use their general funds for this purpose, where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the year 1919 are collected; conferring certain powers and prescribing certain duties relative to the administration of this Act on the commissioners' courts and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this Act may obtain seed and feed hereunder, and providing for the payment therefor by such persons; conferring certain power and authority upon the county tax collectors and county attorneys relative to the administration of this Act; providing the terms and conditions upon which the State will advance certain amounts to the various counties of the State to augment the funds provided for the purchase of seed and feed, and the distribution of same hereunder, and the terms and conditions thereof; prescribing certain duties for the Governor of Texas, the State Treasurer, the Comptroller of Public Accounts and the Attorney General of the State of Texas, relative to the administration of this Act; providing for the repayment to the State of funds advanced by it; defining and creating certain offenses for violations of the terms of this Act, and providing punishment therefor; stating when operation may be commenced under this Act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this Act, in the sum of

one million dollars, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 149 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Alderdice.	Williford.
Bell.	

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Dudley, was passed by the following vote:

Yeas—23.

Bailey.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Alderdice.	Williford.
Bell.	

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

Senate Bill No. 150.

The Chair laid before the Senate on second reading:

S. B. No. 150, A bill to be entitled "An Act providing that counties that borrowed money from the State of Texas under the provisions of Section 13, Chapter 4, Acts of the Thirty-fifth Legislature passed at the Fourth Called Session may by payment of accrued interest be given two years additional time in which to return the principal, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 150 put on its third reading and final passage by the following vote:

Yeas—22.

Buchanan of Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Johnston.
Clark.	McNealus.
Cousins.	Parr.
Dayton.	Strickland.
Dean.	Suiter.
Dudley.	Westbrook.
Faust.	Witt.
Floyd.	Woods.

Absent.

Alderdice.	Bell.
Bailey.	Williford.

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

The bill was laid before the Senate, read third time, and, on motion of Senator Dudley, was passed by the following vote:

Yeas—23.

Bailey.	Gibson.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Parr.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Alderdice.	Williford.
Bell.	

Absent—Excused.

Dorough.	Page.
Hall.	Smith.

Simple Resolution No. 57.

(By unanimous consent.)

The Senate requests the House to return to the Senate, S. B. No. 37.

CARLOCK,
DUDLEY.

The resolution was read and adopted.
(Senator Bailey in the chair.)

Senate Bill No. 143.

The Chair laid before the Senate on second reading:

S. B. No. 143, A bill to be entitled "An Act to amend Section 15 of Article 7355 of the Revised Civil Statutes of the State of Texas of 1911, authorizing the levying and collection of an occupation tax on every menagerie, wax works, side show or exhibition, whether connected with a circus or not, where a separate fee for admission is demanded or received, \$10.00 for every performance or exhibition in which fees for admission are received; repealing Chapter, 135 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its regular session, and declaring an emergency."

Pending.

Senate Bill No. 220—Recommitted.

On motion of Senator Hertzberg, S. B. No. 220 was recommitted to the Committee on Roads, Bridges and Ferries.

Adjournment.

At 5 o'clock p. m., the Senate, on motion of Senator Clark, adjourned until 10 o'clock tomorrow (Wednesday) morning.

APPENDIX.

Petitions and Memorials.

Senator Woods presented fourteen telegrams from citizens of Corsicana.

all in opposition to S. B. No. 44, the whole family protection fraternal insurance bill.

Senator Faust offered a telegram from members of the Guadalupe County Medical Society in opposition to House Bill No. 58.

Senator Floyd offered a petition from numerous citizens of Titus County protesting against a bill to prohibit the tenant from removing property from premises of landlord without permission while lien on same exists.

Senator Caldwell offered a petition from the Pages and Porters of the Senate asking that their compensation be increased to \$2.50 per day.

The petition was referred to the Committee on Contingent Expenses.

Engrossing Committee Reports.

Committee Room.

Austin, Texas, Feb. 10, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 104 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Reports.

Committee Room.

Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred Senate Bill No. 64, a bill to be entitled

"An Act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor and fixing penalties for violating this Act, and declaring an emergency,"

Have had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute for Senate Bill 64 do pass.

STRICKLAND, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 192, Being a bill to be entitled "An Act to require the filing with the clerks of the district and county courts of copies of all petitions, answers, motions, notices or other instruments pertaining to suits in such courts; providing for the certification of such copies; prohibiting the removal of original papers from the offices of such clerks, and providing a penalty for such removal; and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, with the following Committee amendment:

Amend S. B. No. 192 by striking out the comma after the word "motion" in the first line of Section One thereof, and inserting the word "and" in lieu thereof, and by striking out the words "or other instruments," and by inserting after the comma after the word "State" in the third line of Section One thereof, the following:

"And all affidavits and bonds in sequestration, garnishment and attachment proceedings in this State."

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 249, A bill to be entitled "An Act to amend Article 1123 of the Revised Statutes of the State of Texas, 1911, so as to permit married women to become subscribers, stockholders, officers and directors of corporations, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 256, A bill to be entitled "An Act to prohibit commissioners' courts from issuing warrants negotiable or non-negotiable, interest bearing or non-interest bearing, or from otherwise contracting debts against the court house and jail fund, or the road and bridge fund, of their respective counties, in excess of the estimated receipts in the year for which such warrants or evidences of indebtedness are issued, and declaring all contracts undertaking to create any indebtedness against any such fund in excess of the estimated receipts to accrue for that year to such fund to be illegal and void; making county commissioners and county judges violating this Act liable for the payment of any such indebtedness and for any amount illegally paid on such indebtedness, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 244, being a bill to be entitled "An Act to amend Article 3003, Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 30, Acts of the Fourth Called Session of the Thirty-fifth Legislature, so as to prohibit the giving of any assistance to a voter in preparing his ballot, except when such voter is unable to prepare the same himself because of some bodily infirmity which renders him physically unable to write, or is over sixty years of age, and providing that ballots prepared in violation of this Article shall be void; and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 57, being a bill to be entitled "An Act to amend Article 1003, Article 1004 and Article 1005 of the Revised Civil Statutes of the State of Texas of 1911, relating to the condemnation by incorporated cities and towns and public utility companies or corporations of private property for opening or widening streets, avenues or alleys, or for the construction of water mains, reservoirs or standpipes or sewers or establishing hospitals or pest houses and laying sewer pipes and acquiring outfall, etc., when deemed necessary, and providing for condemnation by cities and towns of private property for the purpose of construction, extension, operation and maintenance of a gas plant, or electric light plant, or water works plant, or sewer system, or the establishment of hospitals or pest houses, by paying just compensation therefor, and providing the proceedings therefor, and authorizing any public service company or corporation organized and chartered under the laws of Texas for the purpose of furnishing gas, electric light or water to any city or town or the inhabitants thereof, to condemn and appropriate any private property reasonably necessary for its use for such purposes, by paying just compensation therefor, and providing the proceedings therefor, to repeal any laws in conflict herewith, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 230, being a bill to be entitled "An Act to amend Article 3850 of the Revised Civil Statutes of 1911, so as to bring about a definite construction as to the time for the payment of commissions authorized, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the

same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 241, being a bill to be entitled "An Act to amend Article 4081 of the Revised Civil Statutes of the State of Texas, so as to provide for the appointment of a guardian of a person of unsound mind jury trial, which will be granted if requested, as set out in Title 64, Chapter 16, Revised Civil Statutes of the State of Texas, providing for 'guardianship of persons of unsound mind and habitual drunkards,' and validating all appointments heretofore made without a jury trial,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 213, being a bill to be entitled "An Act amending Article 2448, Chapter 2, Title 44, Revised Civil Statutes of the State of Texas of 1911, with reference to county depositories, so as to correspond with Section 3 of an Act of the Thirty-fifth Legislature, approved February 12th, 1917, amending Articles 2440, 2441, 2442, 2443, 2444 and 2445, Chapter 2, Title 44, of the Revised Civil Statutes of the State of Texas of 1911, providing for county depositories, etc., and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 35, A bill to be entitled "An Act to amend Article 5243 of Chapter 1, Title 77, of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 115, Acts of the 33rd Legislature of 1913, and Chapter 48, Acts of the First Called Session of the 35th Legislature of 1918, being an Act fixing the salary of the Commissioner of the Bureau of Labor Statistics, his assistants and inspectors, prescribing the manner in which salaries shall be paid and providing for office and traveling expenses for officers and employees in the Bureau; making an appropriation for additional salaries and expenses for the Bureau for the remaining part of the fiscal year ending August 31, 1919, and declaring an emergency,"

Have had the same under consideration and beg to refer same back to the Senate with the recommendation that it do pass as amended by subcommittee of the Finance Committee.

DUDLEY,
CALDWELL,
WOODS.

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 212, A bill to be entitled "An Act regulating the traffic in gasoline and other petroleum products in this State; prohibiting the sale of such products except under their true name and providing for inspection thereof; providing that packages, containers or receptacles containing any of said products shall be plainly marked in accordance with regulations of the Interstate Commerce Commission and show the name of the manufacturer and place of manufacture; prescribing a standard of petroleum products which may be sold for illuminating purposes; making it unlawful to sell as gasoline any product not conforming to the standards prescribed in the Act; prescribing a standard for gasoline; providing a method of testing gasoline and other petroleum products; compelling the use of correct and accurate scales and measuring devices and authorizing the inspection and method of enforcing compliance with the law in this respect; prescribing the duties of the food and drug commissioner and his

authorized inspectors or other persons appointed by him in the enforcement of the provisions of this Act; making it unlawful to obstruct the commissioner or those under his direction in exercising the powers conferred; providing penalties for violations of this Act; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

H. B. No. 40, A bill to be entitled "An Act to amend Section 1, S. B. No. 19, Chapter 2, pages 217 and 218 of the published laws enacted by the Thirty-fifth Legislature at its fourth called session, creating the Bellville Independent School District, revising the metes and bounds of said district, excluding certain territory and including other territory and declaring an emergency."

Have had the same under consideration and recommend that it do pass and be not printed.

Alderdice, Chairman, Hopkins, Floyd, Cousins, Buchanan of Scurry, Gibson, Dayton, Dean.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

H. B. No. 332, A bill to be entitled "An Act creating and incorporating Humble Independent School District in Harris County, Texas out of the territory now composing Common School District No. 50, of said county, providing that the title of the school property vested in said Common School District No. 50 shall vest in said Humble Independent School District, and that said Independent School District assume the debts of said Common School District No. 50; providing for a board of trustees of said Humble Independent School Dis-

trict, providing the time and manner of their election, defining their powers and duties, and declaring an emergency,"

Have had the same under consideration and recommend that it do pass, and be not printed.

Alderdice Chairman, Hopkins, Cousins, Buchanan of Scurry, Gibson, Dayton, Dean.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

H. B. No. 216, A bill to be entitled "An Act to amend Section 1 of Chapter 67, Special Laws, passed at the Regular Session of the 34th Legislature, approved March 22, 1915, creating and defining the boundaries of the Burnet Independent School District in Burnet County, Texas, and to add to said Chapter Section 2a and 2b, validating an order passed by the Commissioners Court of Burnet County, Texas, changing the boundaries of the Burnet Independent School District so as to embrace the same territory described in this Act, and validating a bond election heretofore held in said district, and declaring an emergency,"

Have had the same under consideration and recommend that it do pass, and be not printed.

Alderdice, chairman; Hopkins, Floyd, Cousins, Buchanan of Scurry, Gibson, Dayton, Dean.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

H. B. No. 320, A bill to be entitled "An Act creating the Saratoga Independent District in Hardin County and declaring an emergency,"

Have had the same under consideration and recommend that it do pass, and be not printed.

Alderdice, chairman; Hopkins, Floyd, Cousins, Buchanan of Scurry, Gibson, Dayton, Dean.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

H. B. No. 337, A bill to be entitled "An Act creating the Jasper Independent School District known as Common School District No. 6 in Jasper County, Texas, and defining its boundaries, etc., and declaring an emergency,"

Have had same under consideration and recommend that it do pass, and be not printed.

Alderdice, chairman; Hopkins, Floyd, Cousins, Buchanan of Scurry, Gibson, Dayton, Dean.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

H. B. No. 277, A bill to be entitled "An Act creating and incorporating Harrisburg Independent School District in Harris County, Texas, out of the territory now composing common School District No. 20, of said county, providing that the title of the school property vested in said common School District No. 20 shall vest in said Harrisburg Independent School District, and that said Independent School District assume the debts of said common School District No. 20; providing for a board of trustees of said Harrisburg Independent School District, providing the time and manner of election, defining their powers and duties, and declaring an emergency,"

Have had the same under consideration and recommend that it do pass, and be not printed.

Alderdice, chairman; Hopkins, Floyd, Cousins, Buchanan of Scurry, Gibson, Dayton, Dean.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

H. B. No. 28, A bill to be entitled

"An Act ratifying, confirming and validating the incorporation of Manor Independent School District, in Travis County, Texas, and the official acts of the Board of Trustees; establishing the Clayton Vocational Institute in said district, etc., and declaring an emergency,"

Have had the same under consideration and recommend that it do pass, and be not printed.

Alderdice, chairman; Hopkins, Floyd, Cousins, Buchanan of Scurry, Gibson, Dayton, Dean.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 3, A bill to be entitled "An Act to provide for the registration of land titles in this State, to prescribe the procedure, the duties of officers in relation thereto, the venue, the form of registration certificates and the recording thereof; for the appointment of examiners and fees to be charged in such proceedings to establish permanent lines and corners, and prevent delinquent taxes,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

CALDWELL, Chairman.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, Feb. 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have had Senate Concurrent Resolution No. 17 carefully compared and find the same correctly enrolled.

COUSINS, Vice-Chairman.

Committee Room,
Austin, Texas, February 11, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have had Senate Concurrent Resolution No. 16 carefully compared and find the same correctly enrolled.

COUSINS, Vice-Chairman.

Austin, Texas,

Austin, Texas, February 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have had Senate Bill No. 14 carefully compared and find the same correctly enrolled.

COUSINS Vice-Chairman.

By Floyd, Suiter, S. B. No. 14.
Buchanan of Scurry,
Dayton, Dorough,
Williford.

An Act to prohibit the maintenance and operation of pool halls within the State of Texas; defining the term pool hall as used in the Act; declaring that the threatened, actual or contemplated use of any premises, place, room, building or part thereof or tent or any kind of enclosure, for the purpose of a pool hall as defined in the act shall be enjoined at the suit of the State or any citizen thereof; stating who may be made party defendant in such injunction suits; conferring certain power and authority upon and fixing certain duties for the Attorney General and the County and District Attorneys of the State with reference to such suits; fixing the procedure in such suits; creating and defining offenses in violation of the act and providing the punishment therefor; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. On and after the 1st day of May A. D. 1919, it shall be unlawful for any person acting for himself or for others to maintain or operate a pool hall within this State. The term "pool hall" as herein used mean and include any room, hall, building or part of building, tent, or enclosure of any kind or character similar or dis-similar to those named or any enclosed open space in which or where are exhibited for hire, revenue, price, fees, or gain of any kind; or for advertising purposes of any kind any pool or billard table or tables or stands or structures of any kind or character on or in which are or may be played pool or billiards of any kind any pool or billiard table similar or dissimilar to the game of pool or billiards played with balls, cues or pins or any similar devices; any such table or tables, stands or structures of any kind or character

used or exhibited in connection with any place where goods, wares or merchandise or other things of value are sold or given or where or upon which any money or thing of value is paid or exchanged, shall be regarded as a place where is exhibited the tables, stands, or structures herein referred to for hire, revenue and gain.

Sec. 2. Any person or persons, who shall operate or maintain any pool or billiard hall as described herein, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars and not more than one hundred (\$100.00) dollars, or by confinement in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment; provided that each day such pool or billiard hall is operated or maintained shall constitute a separate offense.

Sec. 3. The habitual, actual, threatened or contemplated use of any premises, place, room, building, or part thereof, or tent, or any kind or character of enclosure, similar or dissimilar to those named, or any unenclosed open space for the purpose of exhibiting any tables, stands, or structures, of the kind or character referred to and described in this Act shall be enjoined at the suit of either the State or any citizen thereof. The Attorney General of the State, or any District or County Attorney, or any citizen, of any county in which any pool hall is maintained, operated, or the use threatened or contemplated may either in term time or vacation apply to the district judge, in which district is located the place where such pool hall is maintained, or operated or the use threatened or contemplated (or to any district judge in Travis County) for injunction to prohibit the maintenance and operation of any such pool hall. Should the Court determine that a pool hall is being maintained or operated in violation of this Act, he shall issue a temporary injunction or restraining order as many be necessary and shall issue an injunction permanently prohibiting the running thereof upon final hearing. For this purpose, jurisdiction and venue are conferred upon the several district judges and courts within the State, according to the purpose and intent

of this provision. This remedy by injunction shall be considered in addition to the remedy by prosecution and may be exercised independently of and without reference to whether or not any prosecution has been instituted or may, or may not, be instituted. Any person who may use or who may be about to use or who may aid or abet any other person in the use of any such premises or places named in this Act in violation of this Act may be made a party defendant in such suit.

Section 4. The importance of this legislation and the fact that this is a regular session of the Legislature at which the calendar will be in a crowded condition, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days in each house be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have had Senate Bill No. 39 carefully compared, and find the same correctly enrolled.

COUSINS, Vice Chairman.

By Williford. S. B. No. 39.

An Act

An Act to amend Article 918 of the Code of Criminal Procedure of 1911, relating to the giving of recognizance on appeal by providing that in case the defendant shall fail to enter into recognizance during the term of court at which he was tried, he may be permitted to give bail and obtain his release from custody by giving, after the expiration of such term of court, or before adjournment, his bail to the Sheriff, in an amount fixed by the court.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 918 of the Code of Criminal Procedure be amended so as to hereafter read as follows:

Article 918. When the defendant appeals in any case of misdemeanor from the judgment of the district or county court, he shall, if he be in custody, be committed to jail unless

he enter into recognizance or bail bond as provided by law. If for any cause the defendant fails to enter into recognizance or bail bond during the term at which he was tried, but gave notice and took an appeal from such conviction, he shall be permitted to give bail and obtain his release from custody by giving, after the expiration of such term of court, his bail and bond to the Sheriff with two or more good and sufficient sureties, in an amount to be fixed by the court, in which the defendant and his sureties shall acknowledge themselves jointly and severally indebted to the State of Texas in such sum, and upon the same condition as provided for in recognizance on appeal. But before the defendant shall be released on such bail bond the same must be approved by the Sheriff or the Judge trying the cause or his successor in office. When such bail bond is accepted and approved, the defendant shall be released from custody the same as though he had entered into recognizance during the term of court at which he was convicted.

Sec. 3. Whereas, there is now no law authorizing the giving of bail bond on appeal in vacation or after the term of court at which one is tried in misdemeanor cases; and whereas, this works a great hardship and injustice to defendants in misdemeanor cases, and costs the various counties large sums of money in maintaining such prisoners in jail, creates an emergency and an imperative public necessity authorizing that the constitutional rule which requires that bills be read on three several days be suspended and that this bill take effect from and after its passage, and it is so enacted.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas, Feb. 12, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Caldwell.
Bailey.	Carlock.
Buchanan of Bell.	Clark.
Buchanan of Scurry.	Cousins.